

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MERCY AMBAT, et al.,

No. C 07-03622 SI

Plaintiffs,

**ORDER DENYING REQUEST FOR  
FURTHER DEPOSITION OF CAPTAIN  
PECOT  
[Docket No. 148]**

v.

CITY AND COUNTY OF SAN FRANCISCO,

Defendants.

Plaintiffs have filed a discovery motion requesting the Court to direct defendants to produce Captain Johna Pecot for further deposition. Plaintiffs' counsel deposed Capt. Pecot on September 1, 2009. At the deposition, plaintiffs' counsel sought to ask Capt. Pecot questions regarding *Pecot, et al. v. San Francisco Deputy Sheriff's Association*, No. 08-5125 CRB, a lawsuit filed by Capt. Pecot and other high-ranking Sheriff's Department officials against the San Francisco Deputy Sheriff's Association in 2008. Defense counsel objected to and instructed Capt. Pecot not to answer the questions on the ground she is represented in the *Pecot* action by separate counsel who was not present at the deposition. Plaintiffs now seek an order compelling defendants to produce Capt. Pecot for further deposition and directing defense counsel to permit her to answer questions relating to the *Pecot* action.

The Court agrees with defendants that it would be inappropriate for plaintiffs' counsel to question Capt. Pecot regarding details of the *Pecot* matter outside the presence of counsel who represents her in that case. Defendants argues, however, that plaintiffs are not entitled to re-depose Capt. Pecot even with her other counsel present because information regarding the *Pecot* case is not relevant to plaintiffs' claims in this case. In *Pecot*, Capt. Pecot and the other plaintiffs assert that the

1 sheriff's union and the individual defendants, including the union's president David Wong, committed  
2 various RICO violations including misappropriation of union funds. Defendants argue that questions  
3 about issues related to the *Pecot* case are not relevant to the claims or issues in the present case because  
4 the union and the individual defendants named in *Pecot* are not plaintiffs in this case, and because  
5 plaintiffs' claims of retaliation in this case are based on their actions in response to the gender-based  
6 staffing policy, not union membership or union activities. The court agrees with defendants. Neither  
7 the union nor any of the individual defendants in the *Pecot* case is currently a plaintiff in this case, and  
8 therefore any claim that the *Pecot* suit was filed as a retaliatory measure cannot be relevant to this case.

9 Accordingly, plaintiffs' request to compel the production of Capt. Pecot for further deposition  
10 is hereby DENIED.

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12 **IT IS SO ORDERED.**

13 Dated: November 6, 2009



14 SUSAN ILLSTON  
15 United States District Judge  
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